

105TH CONGRESS
2D SESSION

S. 890

AN ACT

To dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dutch John Federal
5 Property Disposition and Assistance Act of 1998”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1)(A) Dutch John, Utah, was founded by the
4 Secretary of the Interior in 1958 on Bureau of Rec-
5 lamation land as a community to house personnel,
6 administrative offices, and equipment for project
7 construction and operation of the Flaming Gorge
8 Dam and Reservoir as authorized by the Act of
9 April 11, 1956 (70 Stat. 105, chapter 203; 43
10 U.S.C. 620 et seq.); and

11 (B) permanent structures (including houses, ad-
12 ministrative offices, equipment storage and mainte-
13 nance buildings, and other public buildings and fa-
14 cilities) were constructed and continue to be owned
15 and maintained by the Secretary of the Interior;

16 (2)(A) Bureau of Reclamation land surrounding
17 the Flaming Gorge Reservoir (including the Dutch
18 John community) was included within the bound-
19 aries of the Flaming Gorge National Recreation
20 Area in 1968 under Public Law 90–540 (16 U.S.C.
21 460v et seq.);

22 (B) Public Law 90–540 assigned responsibility
23 for administration, protection, and development of
24 the Flaming Gorge National Recreation Area to the
25 Secretary of Agriculture and provided that lands and
26 waters needed or used for the Colorado River Stor-

1 age Project would continue to be administered by
2 the Secretary of the Interior; and

3 (C) most structures within the Dutch John
4 community (including the schools and public build-
5 ings within the community) occupy lands adminis-
6 tered by the Secretary of Agriculture;

7 (3)(A) the Secretary of Agriculture and the
8 Secretary of the Interior are unnecessarily burdened
9 with the cost of continuing to provide basic services
10 and facilities and building maintenance and with the
11 administrative costs of operating the Dutch John
12 community; and

13 (B) certain structures and lands are no longer
14 essential to management of the Colorado River Stor-
15 age Project or to management of the Flaming Gorge
16 National Recreation Area;

17 (4)(A) residents of the community are inter-
18 ested in purchasing the homes they currently rent
19 from the Secretary of the Interior and the land on
20 which the homes are located;

21 (B) Daggett County, Utah, is interested in re-
22 ducing the financial burden the County experiences
23 in providing local government support services to a
24 community that produces little direct tax revenue be-
25 cause of Federal ownership; and

1 (C) a withdrawal of the role of the Federal Gov-
2 ernment in providing basic direct community serv-
3 ices to Dutch John would require local government
4 to provide the services at a substantial cost;

5 (5)(A) residents of the Dutch John community
6 are interested in self-government of the community;
7 and

8 (B) with growing demands for additional com-
9 mercial recreation services for visitors to the Flam-
10 ing Gorge National Recreation Area and Ashley Na-
11 tional Forest, there are opportunities for private eco-
12 nomic development, but few private lands are avail-
13 able for the services; and

14 (6) the privatization and disposal to local gov-
15 ernment of certain lands in and surrounding Dutch
16 John would be in the public interest.

17 (b) PURPOSES.—The purposes of this Act are—

18 (1) to privatize certain lands in and surround-
19 ing Dutch John, Utah;

20 (2) to transfer jurisdiction of certain Federal
21 property between the Secretary of Agriculture and
22 the Secretary of the Interior;

23 (3) to improve the Flaming Gorge National
24 Recreation Area;

1 (4) to dispose of certain residential units, public
2 buildings, and facilities;

3 (5) to provide interim financial assistance to
4 local government to defray the cost of providing
5 basic governmental services;

6 (6) to achieve efficiencies in operation of the
7 Flaming Gorge Dam and Reservoir and the Flaming
8 Gorge National Recreation Area;

9 (7) to reduce long-term Federal outlays; and

10 (8) to serve the interests of the residents of
11 Dutch John and Daggett County, Utah, and the
12 general public.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) SECRETARY OF AGRICULTURE.—The term
16 “Secretary of Agriculture” means the Secretary of
17 Agriculture, acting through the Chief of the Forest
18 Service.

19 (2) SECRETARY OF THE INTERIOR.—The term
20 “Secretary of the Interior” means the Secretary of
21 the Interior, acting through the Commissioner of the
22 Bureau of Reclamation.

1 **SEC. 4. DISPOSITION OF CERTAIN LANDS AND PROP-**
2 **ERTIES.**

3 (a) IN GENERAL.—Lands, structures, and commu-
4 nity infrastructure facilities within or associated with
5 Dutch John, Utah, that have been identified by the Sec-
6 retary of Agriculture or the Secretary of the Interior as
7 unnecessary for support of the agency of the respective
8 Secretary shall be transferred or disposed of in accordance
9 with this Act.

10 (b) LAND DESCRIPTION.—Except as provided in sub-
11 section (e), the Secretary of Agriculture and the Secretary
12 of the Interior shall dispose of (in accordance with this
13 Act) approximately 2,450 acres within or associated with
14 the Dutch John, Utah, community in the NW¹/₄ NW¹/₄,
15 S¹/₂ NW¹/₄, and S¹/₂ of Section 1, the S¹/₂ of Section 2,
16 10 acres more or less within the NE¹/₄ SW¹/₄ of Section
17 3, Sections 11 and 12, the N¹/₂ of Section 13, and the
18 E¹/₂ NE¹/₄ of Section 14 of Township 2 North, Range 22
19 East, Salt Lake Base and Meridian, that have been deter-
20 mined to be available for transfer by the Secretary of Agri-
21 culture and the Secretary of the Interior, respectively.

22 (c) INFRASTRUCTURE FACILITIES AND LAND.—Ex-
23 cept as provided in subsection (e), the Secretary of the
24 Interior shall dispose of (in accordance with this Act) com-
25 munity infrastructure facilities and land that have been

1 determined to be available for transfer by the Secretary
2 of the Interior, including the following:

3 (1) The fire station, sewer systems, sewage la-
4 goons, water systems (except as provided in sub-
5 section (e)(3)), old post office, electrical and natural
6 gas distribution systems, hospital building, streets,
7 street lighting, alleys, sidewalks, parks, and commu-
8 nity buildings located within or serving Dutch John,
9 including fixtures, equipment, land, easements,
10 rights-of-way, or other property primarily used for
11 the operation, maintenance, replacement, or repair
12 of a facility referred to in this paragraph.

13 (2) The Dutch John Airport, comprising ap-
14 proximately 25 acres, including runways, roads,
15 rights-of-way, and appurtenances to the Airport,
16 subject to such monitoring and remedial action by
17 the United States as is necessary.

18 (3) The lands on which are located the Dutch
19 John public schools, which comprise approximately
20 10 acres.

21 (d) OTHER PROPERTIES AND FACILITIES.—The Sec-
22 retary of Agriculture and the Secretary of the Interior
23 shall dispose of (in accordance with this Act) the other
24 properties and facilities that have been determined to be
25 available for transfer or disposal by the Secretary of Agri-

1 culture and the Secretary of the Interior, respectively, in-
2 cluding the following:

3 (1) Certain residential units occupied on the
4 date of enactment of this Act, as determined by the
5 Secretary of the Interior.

6 (2) Certain residential units unoccupied on the
7 date of enactment of this Act, as determined by the
8 Secretary of the Interior.

9 (3) Lots within the Dutch John community
10 that are occupied on the date of enactment of this
11 Act by privately owned modular homes under lease
12 agreements with the Secretary of the Interior.

13 (4) Unoccupied platted lots within the Dutch
14 John community.

15 (5) The land, comprising approximately 3.8
16 acres, on which is located the Church of Jesus
17 Christ of Latter Day Saints, within Block 9, of the
18 Dutch John community.

19 (6) The lands for which special use permits,
20 easements, or rights-of-way for commercial uses
21 have been issued by the Forest Service.

22 (7) The lands on which are located the offices,
23 3 employee residences, warehouses, and facilities of
24 the Utah Division of Wildlife Resources, as de-
25 scribed in the survey required under section 7, in-

1 including yards and land defined by fences in existence
2 on the date of enactment of this Act.

3 (8) The Dutch John landfill site, subject to
4 such monitoring and remedial action by the United
5 States as is necessary, with responsibility for mon-
6 itoring and remediation being shared by the Sec-
7 retary of Agriculture and the Secretary of the Inte-
8 rior proportionate to their historical use of the site.

9 (9) Such fixtures and furnishing in existence
10 and in place on the date of enactment of this Act
11 as are mutually determined by Daggett County, the
12 Secretary of Agriculture, and the Secretary of the
13 Interior to be necessary for the full use of properties
14 or facilities disposed of under this Act.

15 (10) Such other properties or facilities at Dutch
16 John that the Secretary of Agriculture or the Sec-
17 retary of the Interior determines are not necessary
18 to achieve the mission of the respective Secretary
19 and the disposal of which would be consistent with
20 this Act.

21 (e) RETAINED PROPERTIES.—Except to the extent
22 the following properties are determined by the Secretary
23 of Agriculture or the Secretary of the Interior to be avail-
24 able for disposal, the Secretary of Agriculture and the Sec-

1 retary of the Interior shall retain for their respective use
2 the following:

3 (1) All buildings and improvements located
4 within the industrial complex of the Bureau of Rec-
5 lamation, including the maintenance shop, 40 indus-
6 trial garages, 2 warehouses, the equipment storage
7 building, the flammable equipment storage building,
8 the hazardous waste storage facility, and the prop-
9 erty on which the buildings and improvements are
10 located.

11 (2) 17 residences under the jurisdiction of the
12 Secretary of the Interior and the Secretary of Agri-
13 culture, of which—

14 (A) 15 residences shall remain under the
15 jurisdiction of the Secretary of the Interior; and

16 (B) 2 residences shall remain under the ju-
17 risdiction of the Secretary of Agriculture.

18 (3) The Dutch John water system raw water
19 supply line and return line between the power plant
20 and the water treatment plant, pumps and pumping
21 equipment, and any appurtenances and rights-of-way
22 to the line and other facilities, with the retained fa-
23 cilities to be operated and maintained by the United
24 States with pumping costs and operation and main-

1 tenance costs of the pumps to be included as a cost
2 to Daggett County in a water service contract.

3 (4) The heliport and associated real estate, con-
4 sisting of approximately 20 acres, which shall re-
5 main under the jurisdiction of the Secretary of Agri-
6 culture.

7 (5) The Forest Service warehouse complex and
8 associated real estate, consisting of approximately 2
9 acres, which shall remain under the jurisdiction of
10 the Secretary of Agriculture.

11 (6) The Forest Service office complex and asso-
12 ciated real estate, which shall remain under the ju-
13 risdiction of the Secretary of Agriculture.

14 (7) The United States Post Office, pursuant to
15 Forest Service Special Use Permit No. 1073, which
16 shall be transferred to the jurisdiction of the United
17 States Postal Service pursuant to section 6(d).

18 **SEC. 5. REVOCATION OF WITHDRAWALS.**

19 In the case of lands and properties transferred under
20 section 4, effective on the date of transfer to the Secretary
21 of the Interior (if applicable) or conveyance by quitclaim
22 deed out of Federal ownership, authorization for each of
23 the following withdrawals is revoked:

24 (1) The Public Water Reserve No. 16, Utah
25 No. 7, dated March 9, 1914.

1 (2) The Secretary of the Interior Order dated
2 October 20, 1952.

3 (3) The Secretary of the Interior Order dated
4 July 2, 1956, No. 71676.

5 (4) The Flaming Gorge National Recreation
6 Area, dated October 1, 1968, established under Pub-
7 lic Law 90-540 (16 U.S.C. 460v et seq.), as to
8 lands described in section 4(b).

9 (5) The Dutch John Administrative Site, dated
10 December 12, 1951 (PLO 769, U-0611).

11 **SEC. 6. TRANSFER OF JURISDICTION.**

12 (a) TRANSFERS FROM THE SECRETARY OF AGRI-
13 CULTURE.—Except for properties retained under section
14 4(e), all lands designated under section 4 for disposal shall
15 be—

16 (1) transferred from the jurisdiction of the Sec-
17 retary of Agriculture to the Secretary of the Interior
18 and, if appropriate, the United States Postal Serv-
19 ice; and

20 (2) removed from inclusion in the Ashley Na-
21 tional Forest and the Flaming Gorge National
22 Recreation Area.

23 (b) TRANSFERS FROM THE SECRETARY OF THE IN-
24 TERIOR.—

1 (1) IN GENERAL.—The Secretary of the Inte-
2 rior shall transfer to the Secretary of Agriculture
3 administrative jurisdiction over certain lands and in-
4 terests in land described in paragraph (2), contain-
5 ing approximately 2,167 acres located in Duchesne
6 and Wasatch Counties, Utah, acquired by the Sec-
7 retary of the Interior for the Central Utah Project.

8 (2) LAND DESCRIPTION.—The lands referred to
9 in paragraph (1) are lands indicated on the maps
10 generally depicting—

11 (A) the Dutch John transfer of the Ashley
12 National Forest to the State of Utah, dated
13 February 1997;

14 (B) the Dutch John transfer of the Uinta
15 National Forest to the State of Utah, dated
16 February 1997;

17 (C) lands to be transferred to the Forest
18 Service: Lower Stillwater Properties;

19 (D) lands to be transferred to the Forest
20 Service: Red Hollow (Diamond Properties); and

21 (E) lands to be transferred to the Forest
22 Service: Coal Mine Hollow (Current Creek Res-
23 ervoir).

24 (3) STATUS OF LANDS.—

1 (A) NATIONAL FORESTS.—The lands and
2 interests in land transferred to the Secretary of
3 Agriculture under paragraph (1) shall become
4 part of the Ashley or Uinta National Forest, as
5 appropriate. The Secretary of Agriculture shall
6 adjust the boundaries of each of the National
7 Forests to reflect the additional lands.

8 (B) MANAGEMENT.—The transferred lands
9 shall be managed in accordance with the Act of
10 March 1, 1911 (commonly known as the
11 “Weeks Law”) (36 Stat. 962, chapter 186; 16
12 U.S.C. 515 et seq.) and other laws (including
13 rules and regulations) applicable to the Na-
14 tional Forest System.

15 (C) WILDLIFE MITIGATION.—As of the
16 date of the transfer under paragraph (1), the
17 wildlife mitigation requirements of section 8 of
18 the Act of April 11, 1956 (43 U.S.C. 620g),
19 shall be deemed to be met.

20 (D) ADJUSTMENT OF BOUNDARIES.—This
21 paragraph does not limit the authority of the
22 Secretary of Agriculture to adjust the bound-
23 aries of the Ashley or Uinta National Forest
24 pursuant to section 11 of the Act of March 1,

1 1911 (commonly known as the “Weeks Law”)
2 (36 Stat. 963, chapter 186; 16 U.S.C. 521).

3 (4) LAND AND WATER CONSERVATION FUND.—

4 For the purposes of section 7 of the Land and
5 Water Conservation Fund Act of 1965 (16 U.S.C.
6 460l–9), the boundaries of the Ashley and Uinta
7 National Forests, as adjusted under this section,
8 shall be considered to be the boundaries of the For-
9 ests as of January 1, 1965.

10 (c) FEDERAL IMPROVEMENTS.—The Secretary of the
11 Interior shall transfer to the Secretary of Agriculture ju-
12 risdiction over Federal improvements to the lands trans-
13 ferred under this section.

14 (d) TRANSFERS FROM THE SECRETARY OF AGRI-
15 CULTURE.—The Secretary of Agriculture shall transfer to
16 the United States Postal Service administrative jurisdic-
17 tion over certain lands and interests in land subject to
18 Forest Service Special Use Permit No. 1073, containing
19 approximately 0.34 acres.

20 (e) WITHDRAWALS.—Notwithstanding subsection
21 (a), lands retained by the Federal Government under this
22 Act shall continue to be withdrawn from mineral entry
23 under the United States mining laws.

1 **SEC. 7. SURVEYS.**

2 The Secretary of the Interior shall survey or resurvey
3 all or portions of the Dutch John community as nec-
4 essary—

5 (1) to accurately describe parcels identified
6 under this Act for transfer among agencies, for Fed-
7 eral disposal, or for retention by the United States;
8 and

9 (2) to facilitate future recordation of title.

10 **SEC. 8. PLANNING.**

11 (a) RESPONSIBILITY.—In cooperation with the resi-
12 dents of Dutch John, the Secretary of Agriculture, and
13 the Secretary of the Interior, Daggett County, Utah, shall
14 be responsible for developing a land use plan that is con-
15 sistent with maintenance of the values of the land that
16 is adjacent to land that remains under the jurisdiction of
17 the Secretary of Agriculture or Secretary of the Interior
18 under this Act.

19 (b) COOPERATION.—The Secretary of Agriculture
20 and the Secretary of the Interior shall cooperate with
21 Daggett County in ensuring that disposal processes are
22 consistent with the land use plan developed under sub-
23 section (a) and with this Act.

24 **SEC. 9. APPRAISALS.**

25 (a) REQUIREMENTS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary of the Interior shall conduct appraisals to de-
4 termine the fair market value of properties des-
5 ignated for disposal under paragraphs (1), (2), (3),
6 (5), and (7) of section 4(d).

7 (2) UNOCCUPIED PLATTED LOTS.—Not later
8 than 90 days after the date of receipt by the Sec-
9 retary of the Interior from an eligible purchaser of
10 a written notice of intent to purchase an unoccupied
11 platted lot referred to in section 4(d)(4), the Sec-
12 retary of the Interior shall conduct an appraisal of
13 the lot.

14 (3) SPECIAL USE PERMITS.—

15 (A) IN GENERAL.—Not later than 90 days
16 after the date of receipt by the Secretary of the
17 Interior from a permit holder of a written no-
18 tice of intent to purchase a property described
19 in section 10(g), the Secretary of the Interior
20 shall conduct an appraisal of the property.

21 (B) IMPROVEMENTS AND ALTERNATIVE
22 LAND.—An appraisal to carry out subparagraph
23 (A) may include an appraisal of the value of
24 permit holder improvements and alternative
25 land in order to conduct an in-lieu land sale.

1 (4) OCCUPIED PARCELS.—In the case of an oc-
2 cupied parcel, an appraisal under this subsection
3 shall include an appraisal of the full fee value of the
4 occupied lot or land parcel and the value of resi-
5 dences, structures, facilities, and existing, in-place
6 federally owned fixtures and furnishings necessary
7 for full use of the property.

8 (5) UNOCCUPIED PARCELS.—In the case of an
9 unoccupied parcel, an appraisal under this sub-
10 section shall consider potential future uses of the
11 parcel that are consistent with the land use plan de-
12 veloped under section 8(a) (including the land use
13 map of the plan) and with subsection (c).

14 (6) FUNDING.—Funds for appraisals conducted
15 under this section shall be derived from the Upper
16 Colorado River Basin Fund authorized by section 5
17 of the Act of April 11, 1956 (70 Stat. 107, chapter
18 203; 43 U.S.C. 620d).

19 (b) REDUCTIONS FOR IMPROVEMENTS.—An ap-
20 praisal of a residence or a structure or facility leased for
21 private use under this section shall deduct the contribu-
22 tory value of improvements made by the current occupant
23 or lessee if the occupant or lessee provides reasonable evi-
24 dence of expenditure of money or materials in making the
25 improvements.

1 (c) CURRENT USE.—An appraisal under this section
 2 shall consider the current use of a property (including the
 3 use of housing as a community residence) and avoid uncer-
 4 tain speculation as to potential future use.

5 (d) REVIEW.—

6 (1) IN GENERAL.—The Secretary of the Inte-
 7 rior shall make an appraisal under this section avail-
 8 able for review by a current occupant or lessee.

9 (2) ADDITIONAL INFORMATION OR APPEAL.—

10 (A) IN GENERAL.—The current occupant
 11 or lessee may provide additional information, or
 12 appeal the findings of the appraisal in writing,
 13 to the Upper Colorado Regional Director of the
 14 Bureau of Reclamation.

15 (B) ACTION BY SECRETARY OF THE INTE-
 16 RIOR.—The Secretary of the Interior—

17 (i) shall consider the additional infor-
 18 mation or appeal; and

19 (ii) may conduct a second appraisal if
 20 the Secretary determines that a second ap-
 21 praisal is necessary.

22 (e) INSPECTION.—The Secretary of the Interior shall
 23 provide opportunities for other qualified, interested pur-
 24 chasers to inspect completed appraisals under this section.

1 **SEC. 10. DISPOSAL OF PROPERTIES.**

2 (a) CONVEYANCES.—

3 (1) PATENTS.—The Secretary of the Interior
4 shall dispose of properties identified for disposal
5 under section 4, other than properties retained
6 under section 4(e), without regard to law governing
7 patents.

8 (2) CONDITION AND LAND.—Except as other-
9 wise provided in this Act, conveyance of a building,
10 structure, or facility under this Act shall be in its
11 current condition and shall include the land parcel
12 on which the building, structure, or facility is situ-
13 ated.

14 (3) FIXTURES AND FURNISHINGS.—An existing
15 and in-place fixture or furnishing necessary for the
16 full use of a property or facility under this Act shall
17 be conveyed along with the property.

18 (4) MAINTENANCE.—

19 (A) BEFORE CONVEYANCE.—Before prop-
20 erty is conveyed under this Act, the Secretary
21 of the Interior shall ensure reasonable and pru-
22 dent maintenance and proper care of the prop-
23 erty.

24 (B) AFTER CONVEYANCE.—After property
25 is conveyed to a recipient under this Act, the
26 recipient shall be responsible for—

1 (i) maintenance and proper care of
2 the property; and

3 (ii) any contamination of the property.

4 (b) INFRASTRUCTURE FACILITIES AND LAND.—In-
5 frastructure facilities and land described in paragraphs
6 (1) and (2) of section 4(c) shall be conveyed, without con-
7 sideration, to Daggett County, Utah.

8 (c) SCHOOL.—The lands on which are located the
9 Dutch John public schools described in section 4(c)(3)
10 shall be conveyed, without consideration, to the Daggett
11 County School District.

12 (d) UTAH DIVISION OF WILDLIFE RESOURCES.—
13 Lands on which are located the offices, 3 employee resi-
14 dences, warehouses, and facilities of the Utah Division of
15 Wildlife Resources described in section 4(d)(7) shall be
16 conveyed, without consideration, to the Division.

17 (e) RESIDENCES AND LOTS.—

18 (1) IN GENERAL.—

19 (A) FAIR MARKET VALUE.—A residence
20 and occupied residential lot to be disposed of
21 under this Act shall be sold for the appraised
22 fair market value.

23 (B) NOTICE.—The Secretary of the Inte-
24 rior shall provide local general public notice,
25 and written notice to lessees and to current oc-

1 cupants of residences and of occupied residen-
2 tial lots for disposal, of the intent to sell prop-
3 erties under this Act.

4 (2) PURCHASE OF RESIDENCES OR LOTS BY
5 LESSEES.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), the Secretary of the Interior shall
8 provide a holder of a current lease from the
9 Secretary for a residence to be sold under para-
10 graph (1) or (2) of section 4(d) or for a resi-
11 dential lot occupied by a privately owned dwell-
12 ing described in section 4(d)(3) a period of 180
13 days beginning on the date of the written notice
14 of the Secretary of intent of the Secretary to
15 sell the residence or lot, to execute a contract
16 with the Secretary of the Interior to purchase
17 the residence or lot for the appraised fair mar-
18 ket value.

19 (B) NOTICE OF INTENT TO PURCHASE.—
20 To obtain the protection of subparagraph (A),
21 the lessee shall, during the 30-day period begin-
22 ning on the date of receipt of the notice re-
23 ferred to in subparagraph (A), notify the Sec-
24 retary in writing of the intent of the lessee to
25 purchase the residence or lot.

1 (C) NO NOTICE OR PURCHASE CON-
 2 TRACT.—If no written notification of intent to
 3 purchase is received by the Secretary in accord-
 4 ance with subparagraph (B) or if a purchase
 5 contract has not been executed in accordance
 6 with subparagraph (A), the residence or lot
 7 shall become available for purchase by other
 8 persons under paragraph (3).

9 (3) PURCHASE OF RESIDENCES OR LOTS BY
 10 OTHER PERSONS.—

11 (A) ELIGIBILITY.—If a residence or lot be-
 12 comes available for purchase under paragraph
 13 (2)(C), the Secretary of the Interior shall make
 14 the residence or lot available for purchase by—

15 (i) a current authorized occupant of
 16 the residence to be sold;

17 (ii) a holder of a current reclamation
 18 lease for a residence within Dutch John;

19 (iii) an employee of the Bureau of
 20 Reclamation or the Forest Service who re-
 21 sides in Dutch John; or

22 (iv) a Federal or non-Federal em-
 23 ployee in support of a Federal agency who
 24 resides in Dutch John.

25 (B) PRIORITY.—

1 (i) SENIORITY.—Priority for purchase
2 of properties available for purchase under
3 this paragraph shall be by seniority of rec-
4 lamation lease or residency in Dutch John.

5 (ii) PRIORITY LIST.—The Secretary of
6 the Interior shall compile a priority list of
7 eligible potential purchasers that is based
8 on the length of continuous residency in
9 Dutch John or the length of a continuous
10 residence lease issued by the Bureau of
11 Reclamation in Dutch John, with the high-
12 est priority provided for purchasers with
13 the longest continuous residency or lease.

14 (iii) INTERRUPTIONS.—If a continu-
15 ous residency or lease was interrupted, the
16 Secretary shall consider only that most re-
17 cent continuous residency or lease.

18 (iv) OTHER FACTORS.—In preparing
19 the priority list, the Secretary shall not
20 consider a factor (including agency employ-
21 ment or position) other than the length of
22 the current residency or lease.

23 (v) DISPUTES.—A potential purchaser
24 may file a written appeal over a dispute in-
25 volving eligibility or ranking on the priority

1 list with the Secretary of the Interior, act-
2 ing through the Upper Colorado Regional
3 Director of the Bureau of Reclamation.
4 The Secretary, acting through the Regional
5 Director, shall consider the appeal and re-
6 solve the dispute.

7 (C) NOTICE.—The Secretary of the Inte-
8 rior shall provide general public notice and writ-
9 ten notice by certified mail to eligible pur-
10 chasers that specifies—

11 (i) properties available for purchase
12 under this paragraph;

13 (ii) the appraised fair market value of
14 the properties;

15 (iii) instructions for potential eligible
16 purchasers; and

17 (iv) any purchase contract require-
18 ments.

19 (D) NOTICE OF INTENT TO PURCHASE.—
20 An eligible purchaser under this paragraph
21 shall have a period of 90 days after receipt of
22 written notification to submit to the Secretary
23 of the Interior a written notice of intent to pur-
24 chase a specific available property at the listed
25 appraised fair market value.

1 (E) NOTICE OF ELIGIBILITY OF HIGHEST
2 ELIGIBLE PURCHASER TO PURCHASE PROP-
3 ERTY.—The Secretary of the Interior shall pro-
4 vide notice to the potential purchaser with the
5 highest eligible purchaser priority for each
6 property that the purchaser will have the first
7 opportunity to execute a sales contract and pur-
8 chase the property.

9 (F) AVAILABILITY TO OTHER PURCHASERS
10 ON PRIORITY LIST.—If no purchase contract is
11 executed for a property by the highest priority
12 purchaser within the 180 days after receipt of
13 notice under subparagraph (E), the Secretary
14 of the Interior shall make the property available
15 to other purchasers listed on the priority list.

16 (G) LIMITATION ON NUMBER OF PROP-
17 ERTIES.—No household may purchase more
18 than 1 residential property under this para-
19 graph.

20 (4) RESIDUAL PROPERTY TO COUNTY.—If a
21 residence or lot to be disposed of under this Act is
22 not purchased in accordance with paragraph (2) or
23 (3) within 2 years after providing the first notice of
24 intent to sell under paragraph (1)(B), the Secretary

1 of the Interior shall convey the residence or lot to
2 Daggett County without consideration.

3 (5) ADVISORY COMMITTEE.—The Secretary of
4 the Interior, acting through the Upper Colorado Re-
5 gional Director of the Bureau of Reclamation, may
6 appoint a nonfunded Advisory Committee comprised
7 of 1 representative from each of the Bureau of Rec-
8 lamation, Daggett County, and the Dutch John com-
9 munity to review and provide advice to the Secretary
10 on the resolution of disputes arising under this sub-
11 section and subsection (f).

12 (6) FINANCING.—The Secretary of the Interior
13 shall provide advice to potential purchasers under
14 this subsection and subsection (f) in obtaining ap-
15 propriate and reasonable financing for the purchase
16 of a residence or lot.

17 (f) UNOCCUPIED PLATTED LOTS.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), the Secretary of the Interior shall make
20 an unoccupied platted lot described in section
21 4(d)(4) available for sale to eligible purchasers for
22 the appraised fair market value of the lot.

23 (2) CONVEYANCE FOR PUBLIC PURPOSE.—On
24 request from Daggett County, the Secretary of the
25 Interior may convey directly to the County without

1 consideration a lot referred to in paragraph (1) that
2 will be used for a public use purpose that is consist-
3 ent with the land use plan developed under section
4 8(a).

5 (3) ADMINISTRATION.—The procedures estab-
6 lished under subsection (e) shall apply to this sub-
7 section to the maximum extent practicable, as deter-
8 mined by the Secretary of the Interior.

9 (4) LAND-USE DESIGNATION.—For each lot
10 sold under this subsection, the Secretary of the Inte-
11 rior shall include in the notice of intent to sell the
12 lot provided under this subsection the land-use des-
13 ignation of the lot established under the land use
14 plan developed under section 8(a).

15 (5) LIMITATION ON NUMBER OF LOTS.—No
16 household may purchase more than 1 residential lot
17 under this subsection.

18 (6) LIMITATION ON PURCHASE OF ADDITIONAL
19 LOTS.—No household purchasing an existing resi-
20 dence under this section may purchase an additional
21 single home, residential lot.

22 (7) RESIDUAL LOTS TO COUNTY.—If a lot de-
23 scribed in paragraph (1) is not purchased in accord-
24 ance with paragraphs (1) through (6) within 2 years
25 after providing the first notice of intent to sell under

1 this subsection, the Secretary of the Interior shall
2 convey the lot to Daggett County without consider-
3 ation.

4 (g) SPECIAL USE PERMITS.—

5 (1) SALE.—Lands on which Forest Service spe-
6 cial use permits are issued to holders numbered
7 4054 and 9303, Ashley National Forest, comprising
8 approximately 15.3 acres and 1 acre, respectively,
9 may be sold at appraised fair market value to the
10 holder of the permit.

11 (2) ADMINISTRATION OF PERMITS.—On trans-
12 fer of jurisdiction of the land to the Secretary of the
13 Interior pursuant to section 6, the Secretary of the
14 Interior shall administer the permits under the
15 terms and conditions of the permits.

16 (3) NOTICE OF AVAILABILITY FOR PUR-
17 CHASE.—The Secretary of the Interior shall notify
18 the respective permit holders in writing of the avail-
19 ability of the land for purchase.

20 (4) APPRAISALS.—The Secretary of the Interior
21 shall not conduct an appraisal of the land unless the
22 Secretary receives a written notice of intent to pur-
23 chase the land within 2 years after providing notice
24 under paragraph (3).

1 (5) ALTERNATIVE PARCELS.—On request by
2 permit holder number 9303, the Secretary of the In-
3 terior, in consultation with Daggett County, may—

4 (A) consider sale of a parcel within the
5 Daggett County community of similar size and
6 appraised value in lieu of the land under permit
7 on the date of enactment of this Act; and

8 (B) provide the holder credit toward the
9 purchase or other negotiated compensation for
10 the appraised value of improvements of the per-
11 mittee to land under permit on the date of en-
12 actment of this Act.

13 (6) RESIDUAL LAND TO COUNTY.—If land de-
14 scribed in paragraph (1) is not purchased in accord-
15 ance with paragraphs (1) through (5) within 2 years
16 after providing the first notice of intent to sell under
17 this subsection, the Secretary of the Interior shall
18 convey the land to Daggett County without consider-
19 ation.

20 (h) TRANSFERS TO COUNTY.—Other land occupied
21 by authorization of a special use permit, easement, or
22 right-of-way to be disposed of under this Act shall be
23 transferred to Daggett County if the holder of the author-
24 ization and the County, prior to transfer of the lands to
25 the County—

1 (1) agree to and execute a legal document that
2 grants the holder the rights and privileges provided
3 in the existing authorization; or

4 (2) enter into another arrangement that is mu-
5 tually satisfactory to the holder and the County.

6 (i) CHURCH LAND.—

7 (1) IN GENERAL.—The Secretary of the Inte-
8 rior shall offer to sell land to be disposed of under
9 this Act on which is located an established church to
10 the parent entity of the church at the appraised fair
11 market value.

12 (2) NOTICE.—The Secretary of the Interior
13 shall notify the church in writing of the availability
14 of the land for purchase.

15 (3) RESIDUAL LAND TO COUNTY.—If land de-
16 scribed in paragraph (1) is not purchased in accord-
17 ance with paragraphs (1) and (2) within 2 years
18 after providing the first notice of intent to sell under
19 this subsection, the Secretary of the Interior shall
20 convey the land to Daggett County without consider-
21 ation.

22 (j) RESIDUAL PROPERTIES TO COUNTY.—The Sec-
23 retary of the Interior shall convey all lands, buildings, or
24 facilities designated for disposal under this Act that are

1 not conveyed in accordance with subsections (a) through
2 (i) to Daggett County without consideration.

3 (k) WATER RIGHTS.—

4 (1) IN GENERAL.—Subject to the other provi-
5 sions of this subsection, the Secretary of the Interior
6 shall transfer all water rights the Secretary holds
7 that are applicable to the Dutch John municipal
8 water system to Daggett County.

9 (2) WATER SERVICE CONTRACT.—

10 (A) IN GENERAL.—Transfer of rights
11 under paragraph (1) is contingent on Daggett
12 County entering into a water service contract
13 with the Secretary of the Interior covering pay-
14 ment for and delivery of untreated water to
15 Daggett County pursuant to the Act of April
16 11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C.
17 620 et seq.).

18 (B) DELIVERED WATER.—The contract
19 shall require payment only for water actually
20 delivered.

21 (3) EXISTING RIGHTS.—Existing rights for
22 transfer to Daggett County under this subsection in-
23 clude—

1 (A) Utah Water Right 41–2942 (A30557,
 2 Cert. No. 5903) for 0.08 cubic feet per second
 3 from a water well; and

4 (B) Utah Water Right 41–3470
 5 (A30414b), an unapproved application to seg-
 6 regate 12,000 acre-feet per year of water from
 7 the original approved Flaming Gorge water
 8 right (41–2963) for municipal use in the town
 9 of Dutch John and surrounding areas.

10 (4) CULINARY WATER SUPPLIES.—The transfer
 11 of water rights under this subsection is conditioned
 12 on the agreement of Daggett County to provide cul-
 13 inary water supplies to Forest Service campgrounds
 14 served (on the date of enactment of this Act) by the
 15 water supply system and to Forest Service and Bu-
 16 reau of Reclamation facilities, at a rate equivalent to
 17 other similar uses.

18 (5) MAINTENANCE.—The Secretary of Agri-
 19 culture and the Secretary of the Interior shall be re-
 20 sponsible for maintenance of their respective water
 21 systems from the point of the distribution lines of
 22 the systems.

23 (l) SHORELINE ACCESS.—On receipt of an acceptable
 24 application, the Secretary of Agriculture shall consider
 25 issuance of a special use permit affording Flaming Gorge

1 Reservoir public shoreline access and use within the vicin-
2 ity of Dutch John in conjunction with commercial visitor
3 facilities provided and maintained under such a permit.

4 (m) REVENUES.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), all revenues derived from the sale of
7 properties as authorized by this Act shall tempo-
8 rarily be deposited in a segregated interest-bearing
9 trust account in the Treasury with the moneys on
10 hand in the account paid to Daggett County semi-
11 annually to be used by the County for purposes as-
12 sociated with the provision of governmental and
13 community services to the Dutch John community.

14 (2) DEPOSIT IN THE GENERAL FUND.—Of the
15 revenues described in paragraph (1), 15.1 percent
16 shall be deposited in the general fund of the Treas-
17 ury.

18 **SEC. 11. VALID EXISTING RIGHTS.**

19 (a) AGREEMENTS.—

20 (1) IN GENERAL.—If any lease, permit, right-
21 of-way, easement, or other valid existing right is ap-
22 purtenant to land conveyed to Daggett County,
23 Utah, under this Act, the County shall honor and
24 enforce the right through a legal agreement entered

1 into by the County and the holder before the date
2 of conveyance.

3 (2) EXTENSION OR TERMINATION.—The Coun-
4 ty may extend or terminate an agreement under
5 paragraph (1) at the end of the term of the agree-
6 ment.

7 (b) USE OF REVENUES.—During such period as the
8 County is enforcing a right described in subsection (a)(1)
9 through a legal agreement between the County and the
10 holder of the right under subsection (a), the County shall
11 collect and retain any revenues due the Federal Govern-
12 ment under the terms of the right.

13 (c) EXTINGUISHMENT OF RIGHTS.—If a right de-
14 scribed in subsection (a)(1) with respect to certain land
15 has been extinguished or otherwise protected, the County
16 may dispose of the land.

17 **SEC. 12. CULTURAL RESOURCES.**

18 (a) MEMORANDA OF AGREEMENT.—Before transfer
19 and disposal under this Act of any land that contains cul-
20 tural resources and that may be eligible for listing on the
21 National Register of Historic Places, the Secretary of Ag-
22 riculture, in consultation with the Secretary of the Inte-
23 rior, the Utah Historic Preservation Office, and Daggett
24 County, Utah, shall prepare a memorandum of agreement,
25 for review and approval by the Utah Office of Historical

1 Preservation and the Advisory Council on Historic Preser-
 2 vation established by title II of the National Historic Pres-
 3 ervation Act (16 U.S.C. 470i et seq.), that contains a
 4 strategy for protecting or mitigating adverse effects on
 5 cultural resources on the land.

6 (b) INTERIM PROTECTION.—Until such time as a
 7 memorandum of agreement has been approved, or until
 8 lands are disposed of under this Act, the Secretary of Ag-
 9 riculture shall provide clearance or protection for the re-
 10 sources.

11 (c) TRANSFER SUBJECT TO AGREEMENT.—On com-
 12 pletion of actions required under the memorandum of
 13 agreement for certain land, the Secretary of the Interior
 14 shall provide for the conveyance of the land to Daggett
 15 County, Utah, subject to the memorandum of agreement.

16 **SEC. 13. TRANSITION OF SERVICES TO LOCAL GOVERN-**
 17 **MENT CONTROL.**

18 (a) ASSISTANCE.—

19 (1) IN GENERAL.—The Secretary of the Inte-
 20 rior shall provide training and transitional operating
 21 assistance to personnel designated by Daggett Coun-
 22 ty, Utah, as successors to the operators for the Sec-
 23 retary of the infrastructure facilities described in
 24 section 4(c).

1 (2) DURATION OF TRAINING.—With respect to
2 an infrastructure facility, training under paragraph
3 (1) shall continue for such period as is necessary for
4 the designated personnel to demonstrate reasonable
5 capability to safely and efficiently operate the facil-
6 ity, but not to exceed 2 years.

7 (3) CONTINUING ASSISTANCE.—The Secretary
8 shall remain available to assist with resolving ques-
9 tions about the original design and installation, op-
10 erating and maintenance needs, or other aspects of
11 the infrastructure facilities.

12 (b) TRANSITION COSTS.—For the purpose of defray-
13 ing costs of transition in administration and provision of
14 basic community services, an annual payment of \$300,000
15 (as adjusted by the Secretary for changes in the Consumer
16 Price Index for all-urban consumers published by the De-
17 partment of Labor) shall be provided from the Upper Col-
18 orado River Basin Fund authorized by section 5 of the
19 Act of April 11, 1956 (70 Stat. 107, chapter 203; 43
20 U.S.C. 620d), to Daggett County, Utah, or, in accordance
21 with subsection (c), to Dutch John, Utah, for a period
22 not to exceed 15 years beginning the first January 1 that
23 occurs after the date of enactment of this Act.

24 (c) DIVISION OF PAYMENT.—If Dutch John becomes
25 incorporated and become responsible for operating any of

1 the infrastructure facilities referred to in subsection (a)(1)
 2 or for providing other basic local governmental services,
 3 the payment amount for the year of incorporation and
 4 each following year shall be proportionately divided be-
 5 tween Daggett County and Dutch John based on the re-
 6 spective costs paid by each government for the previous
 7 year to provide the services.

8 (d) ELECTRIC POWER.—

9 (1) AVAILABILITY.—The United States shall
 10 make available electric power and associated energy
 11 from the Colorado River Storage Project for the
 12 Dutch John community.

13 (2) AMOUNT.—The amount of electric power
 14 and associated energy made available under para-
 15 graph (1) shall not exceed 1,000,000 kilowatt-hours
 16 per year.

17 (3) RATES.—The rates for power and associ-
 18 ated energy shall be the firm capacity and energy
 19 rates of the Salt Lake City Area/Integrated Projects.

20 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) RESOURCE RECOVERY AND MITIGATION.—There
 22 are authorized to be appropriated to the Secretary of Agri-
 23 culture, out of nonpower revenues to the Federal Govern-
 24 ment from land transferred under this Act, such sums as
 25 are necessary to implement such habitat, sensitive re-

1 source, or cultural resource recovery, mitigation, or re-
2 placement strategies as are developed with respect to land
3 transferred under this Act, except that the strategies may
4 not include acquisition of privately owned lands in Daggett
5 County.

6 (b) OTHER SUMS.—In addition to sums made avail-
7 able under subsection (a), there are authorized to be ap-
8 propriated such sums as are necessary to carry out this
9 Act.

Passed the Senate October 2, 1998.

Attest:

Secretary.

105TH CONGRESS
2D SESSION

S. 890

AN ACT

To dispose of certain Federal properties located in Dutch John, Utah, to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes.